

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	Case No. 1:21-cr-491
)	
Plaintiff,)	Judge J. Philip Calabrese
)	
v.)	
)	
PAUL SPIVAK,)	
)	
OLGA SMIRNOVA,)	
)	
CHARLES SCOTT,)	
)	
and)	
)	
CHRISTOPHER BONGIORNO,)	
)	
Defendants.)	
)	

MINUTES AND ORDER

On July 17, 2024, the Court held a hearing by Zoom to address the motion to continue that the United States filed (ECF No. 359) and Defendants' emergency motion to compel (ECF No. 357). Alejandro Abreu, Elliot Morrison, and Megan Miller appeared for the United States. David Axelrod and Lauren Engelmyer appeared for Paul Spivak (1); John McCaffery and Izaak Horstemeier-Zrnich appeared for Olga Smirnova (2); David DeVillers, William Martin, and Samantha Pugh appeared for Charles Scott (3); and Michael Rosen appeared for Christopher Bongiorno (9).

First, Defendants opposed the motion to continue the trial date. Then, the Court heard from counsel for the United States in response, including the status of transitioning the matter to new trial counsel. The Court took the motion to continue

under advisement and directed the parties to be prepared at the next hearing to address with specificity logistics regarding the presentation of evidence at trial, including the length of direct and cross-examinations for each witness, which witnesses will realistically be called to testify, authentication of documents, and the like.

Regarding the emergency motion to compel, the Court directed the parties to meet and confer in advance of the next hearing, to resolve the metadata issue regarding Ms. Smirnova's discovery disclosures and identify the specific documents the United States listed on its exhibit list.

On July 8, 2024, the Court requested that the United States submit *Brady*, *Giglio*, and *Jencks* materials “*in camera* as soon as possible and preferably [that] week” if there are “any concerns the United States might have regarding cooperation, witness intimidation, or the like.” (ECF No. 345, PageID #3381.) Counsel for the United States did not do so. Therefore, the Court expects these materials to be provided as soon as practicable to facilitate the parties’ preparations for trial.

The Court **AMENDS** its operative pretrial and trial order and will conduct the July 22, 2024 hearing by Zoom. (ECF No. 326.) Further, the Court excused the participation of Defendants, though they remain free to attend if they desire. At the hearing, the Court will address the outstanding discovery issues that the parties have not been able to resolve, address the logistical issues discussed (above) for the presentation of evidence at trial, and rule on the motion for a continuance. By then, the Court will endeavor to rule on the pending motions for reconsideration.

SO ORDERED.

Dated: July 17, 2024



J. Philip Calabrese
United States District Judge
Northern District of Ohio